

REMARKS

Claims 1-17 were previously pending in this application. Claims 13 and 14 have been canceled without prejudice or disclaimer. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102/103

Claim 13 has been rejected under 35 U.S.C. § 102(e), as being anticipated by Megiddo, et al. US Patent No. 6,662,236. Applicant has herein canceled claims 13 and 14 without prejudice or disclaimer and submits that the rejection has been rendered moot. Therefore, Applicant requests withdrawal of this ground of rejections.

Claim 15 has been rejected under 35 U.S.C. § 102(e), as being anticipated by Balassanian US Patent No. 6,324,685. Claims 1-12 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over Balassanian, in view of Megiddo. Applicant submits that the Balassanian reference does not qualify as an available reference under 35 U.S.C. § 102(e) or 35 U.S.C. § 103.


35 U.S.C. § 102(e) recites, “ A person shall be entitled to a patent unless – the invention was described in...(2) a patent granted on an application for patent by **another** filed in the United States....” (emphasis added). However, Applicant submits that as evidenced by the attached highlighted first page of US Patent No. 6,324,685 and the highlighted status page for the Private Pair web site for the instant application, the inventor in both instances is Edward Balassanian. Accordingly, Applicant respectfully submits that US Patent 6,324,685 does not qualify as: a proper 35 U.S.C. § 102(e) reference or part of a proper § 103 combination. Therefore, Applicant requests withdrawal of these grounds of rejections.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration, withdrawal of the rejection of the pending claims and allowance of this application.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: September 17, 2004

By: 
Daniel C. Sheridan
Registration No. 53,585

Mailing Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile